IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

| SECURITIES AND EXCHANGE | § | |
|-------------------------------|----------|-------------------------------|
| COMMISSION, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| V. | § | |
| | § | |
| ALBERT FASE KALETA and KALETA | § | |
| CAPITAL MANAGEMENT, INC., | § | |
| | § | |
| Defendants, | § | Civil Action No. 4:09-cv-3674 |
| | § | |
| and | § | |
| | § | |
| BUSINESSRADIO NETWORK, L.P., | § | |
| d/b/a BizRadio and DANIEL | § | |
| FRISHBERG FINANCIAL SERVICES, | § | |
| INC., d/b/a DFFS CAPITAL | § | |
| MANAGEMENT, INC., | § | |
| | § | |
| Relief Defendants, | § | |
| Solely for the purposes | § | |
| of Equitable Relief. | § | |
| | | |

NOTICE OF WITHDRAWAL OF REQUEST FOR CERTIFIED RECORD ON APPEAL

Thomas L. Taylor III, Court-appointed Receiver for Kaleta Capital Management, Inc., BusinessRadio Network, L.P. and Daniel Frishberg Financial Services, Inc. hereby withdraws Doc. # 227, Request for Electronic Copy of Certified Record on Appeal re: [214] Notice of Appeal.

January 16, 2013

Respectfully submitted,

THE TAYLOR LAW OFFICES, P.C.

Andrew Coforth

By:

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COUNSEL FOR RECEIVER

CERTIFICATE OF SERVICE

On January 16, 2013, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Southern District of Texas, using the CM/ECF electronic filing system. I hereby certify that I have provided copies to all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Andrew M. Goforth
Andrew M. Goforth